

TOWN OF ROCKLAND

ARTICLES IN WARRANT AND THE RECOMMENDATIONS OF THE FINANCE COMMITTEE AND THE BOARD OF SELECTMEN

**2008 SPECIAL TOWN MEETING
MAY 5, 2008
7:00 P.M.**

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**2008 ANNUAL TOWN MEETING  
MAY 5, 2008  
7:30 P.M.**

**AT THE  
ROCKLAND HIGH SCHOOL  
*Please bring this booklet*  
*to Town Meeting***



## **RULES AND PROCEDURES FOR THE CONDUCT OF THE MEETING**

**EVERY VOTER** desiring to speak shall arise and address the Chair, after recognition is obtained, state his name and address and stand while speaking, using the microphone in the front, unless otherwise directed. No motion made by anyone will be in order unless this procedure is followed.

**ANY VOTER** has the right to speak for or against any Article. A **NON-VOTER** may speak as long as they have the permission of the Moderator. After you speak on an Article, return to your seat. If you have a question on any Article before the house, address the Chair and I will direct the question to the proper person for an answer.

**THE FINANCE COMMITTEE** recommendation is the first and main motion under each Article and under each Budget. Any attempt by a Department Head or anyone to move another figure would be an amendment to the main motion.

A motion to pass the Article over is the same as defeating the Article.

**IF THE FINANCE COMMITTEE DISAPPROVES AN ARTICLE** it is an automatic motion to **PASS THE ARTICLE OVER** and that will be the first action on the Article.

After the Finance Committee reports on an Article, if they so desire, and the Article is referred to a certain **BOARD, COMMITTEE, or DEPARTMENT HEAD, IT WILL BE THE RULE** that they will be recognized first for their report. **IF I FORGET, REMIND ME.**

**A UNANIMOUS VOTE IS BEST AND SAVES TIME.** If I do not see or hear any objection I will declare it, **“A UNANIMOUS VOTE”**.

If an Article requires a 2/3<sup>rd</sup> or 4/5<sup>th</sup> vote and it is not **UNANIMOUS**, IT IS THE Moderator's responsibility to see that a vote is taken.

**IF A HAND VOTE** is immediately questioned by seven (7) or more voters who stand to question the **VOTE**; it will be counted by the Tellers.

### **ARTICLE III SECTION 10 OF THE TOWN BY-LAWS STATES:**

**NO VOTE SHALL BE CONSIDERED** except after the affirmative vote of two-thirds of the voters present and voting on a motion to reconsider such vote. Any voter may move to reconsider except that no motion to reconsider shall be made by any adjourned session of the same meeting unless he has given notice of his intention to move reconsideration at the session of the meeting at which the vote was passed. A vote shall not be reconsidered a second time or after a motion to reconsider has failed to pass.

### **TOWN BY-LAW ARTICLE II**

**SECTION 4.** All reports, motions, and resolutions submitted for the consideration of the meeting involving the expenditure of money shall be in writing and other reports, motions or resolutions shall be reduced to writing if the Moderator so directs.

### **TOWN CHARTER**

**SECTION 3.06.** All action taken at any and all Town Meetings shall be only upon those items contained in the Warrant for said Town Meeting and all articles in the Warrant shall be acted upon in order unless otherwise voted at any such Town Meeting, and printed copies of each such Warrant, with the recommendations of the Finance Committee is hereinafter set forth, shall be furnished to the voters of the Town in accordance with the provisions of Section 2.02 (a) (iv) Article II of this Charter.

Paul L. Cusick Jr.  
Town Moderator

## **MUNICIPAL FINANCE TERMINOLOGY**

The following terms are frequently used in the Annual Town Warrant and at Town Meetings. In order to provide everyone with a better understanding of the meaning, the following definitions are provided.

### **SURPLUS REVENUE: (often referred to as “Excess and Deficiency”)**

This fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserve. This is a bookkeeping item.

### **AVAILABLE FUND: (often referred to as “Free Cash”)**

Available Funds is the amount certified annually by the State Bureau of Accounts by deducting from surplus revenue all uncollected taxes for prior years. This fund may be used by a vote for the Town Meeting.

### **OVERLAY:**

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements granted and avoiding fractions.

### **OVERLAY RESERVE:**

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay Account for a given year and may be used by a vote of the Town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

### **RESERVE FUND:**

This fund is established by the votes at an Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both.

### **STABILIZATION FUND:**

This is a fund created to provide a reserve for capital expenditure. Appropriations from the Stabilization funds may be made at an Annual Town Meeting by a two-thirds vote for any purpose the Town is authorized to borrow money under Section 7 or 8 of Chapter 44 or for such other purpose as is approved by the Emergency Finance Board.

### **CHERRY SHEET:**

Named for the cherry colored paper on which the Massachusetts Commission of Corporations and Taxation traditionally has printed it. The cherry sheet carries the figures that must be used by the Assessors in determining the amount to be raised by taxation.

It lists the amounts of county tax and state assessments, as well as the established tax distributions from the General Fund, reimbursements, agency funds and the Sales and Use Taxes.

# SPECIAL/ANNUAL TOWN MEETING

MAY 5, 2008

## LIST OF ARTICLES

| Article #                   | Department         | Subject                                                   | Cost         |
|-----------------------------|--------------------|-----------------------------------------------------------|--------------|
| <i>Special Town Meeting</i> |                    |                                                           |              |
| #1                          | Board of Selectmen | Legal Expenses                                            | \$100,000.00 |
| #2                          | Water Department   | Installation of chemical feed system                      | 50,000.00    |
| <i>Annual Town Meeting</i>  |                    |                                                           |              |
| #1                          | Board of Selectmen | Town Elections                                            | N/A          |
| #2                          | Board of Selectmen | Fix Salaries                                              | N/A          |
| #3                          | Board of Selectmen | Budgets                                                   | N/A          |
| #4                          | Petition           | Amend zoning by-laws – construction supermarket           | N/A          |
| #5                          | Petition           | Amend zoning by-laws – package liquor license             | N/A          |
| #6                          | Petition           | Superannuation                                            | N/A          |
| #7                          | Water Department   | Replacing chassis of 1998 utility truck                   | 50,000.00    |
| #8                          | Water Department   | Construction of Residual Handling Facilities              | 2,045,000.00 |
| #9                          | School Department  | Architectural & Engineering Services/RMS                  | 655,200.00   |
| #10                         | Water Department   | Annual leak detection survey                              | 10,000.00    |
| #11                         | Water Department   | Replacing 1999 Lumina                                     | 12,500.00    |
| #12                         | Water Department   | Replacing Raw Water Pump                                  | 12,500.00    |
| #13                         | Water Department   | Purchasing land on Chestnut Street/ water storage tank    | 25,000.00    |
| #14                         | Water Department   | Engineering of sludge handling facility program           | 50,000.00    |
| #15                         | Water Department   | Demolition of original Great Sandy Bottom treatment plant | 75,000.00    |
| #16                         | Water Department   | Survey & Testing Com. of MA Drinking Water Regulation     | 15,000.00    |
| #17                         | Board of Selectmen | Beech Street Landfill monitoring/maintenance              | 25,000.00    |
| #18                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #19                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #20                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #21                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #22                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #23                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #24                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #25                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #26                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #27                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #28                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #29                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #30                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #31                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #32                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #33                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #34                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #35                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #36                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #37                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #38                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #39                         | Town Clerk         | Adoption of Code/General Bylaws                           | N/A          |
| #40                         | Town Clerk         | Adoption of Code/Zoning Bylaws                            | N/A          |
| #41                         | Town Clerk         | Adoption of Code/Zoning Bylaws                            | N/A          |
| #42                         | Town Clerk         | Adoption of Code/Zoning Bylaws                            | N/A          |
| #43                         | Park Department    | Purchase one ton dump truck                               | 38,020.00    |
| #44                         | Park Department    | Replace fencing around Veterans Memorial Stadium          | 13,904.00    |
| #45                         | Park Department    | Purchase topdresser for fields                            | 12,480.00    |

|     |                            |                                                         |            |
|-----|----------------------------|---------------------------------------------------------|------------|
| #46 | Highway Department         | Purchase F350 truck with plow/sander                    | 42,417.00  |
| #47 | Town Accountant            | Actuarial study                                         | 10,000.00  |
| #48 | Sewer Department           | Inflow and Infiltration/State Sewer Relief Fund         | 30,000.00  |
| #49 | Sewer Department           | Inflow and Infiltration/Sewer Development Fund          | 300,000.00 |
| #50 | Highway Department         | Drain work on Mark's Street                             | 75,000.00  |
| #51 | Highway Department         | Drain work on Howard Street                             | 200,000.00 |
| #52 | Board of Health            | Increase hours of part-time landfill attendant          | N/A        |
| #53 | Board of Health            | Five Year Extension Intermunicipal Agreement            | N/A        |
| #54 | Petition                   | Sell parcel of land (Parcel 1 Map 3)                    | N/A        |
| #55 | Zoning Board of Appeals    | Amend Zoning Bylaw                                      | N/A        |
| #56 | Zoning Board of Appeals    | Amend Zoning Bylaw                                      | N/A        |
| #57 | Zoning Board of Appeals    | Amend Town General Bylaws "Sex Offender Residency"      | N/A        |
| #58 | Board of Assessors         | Transfer from Overlay Surplus to Revaluation Account    | 35,000.00  |
| #59 | Fire Department            | Purchasing computer hardware/Ambulance billing sys.     | 33,712.00  |
| #60 | Fire Department            | Lease/purchase computer hardware/Ambulance billing sys. | 14,700.00  |
| #61 | McK Com. Center Bldg. Com. | Building Maintenance                                    | 40,000.00  |
| #62 | Town Accountant            | Revolving Accounts                                      | 670,000.00 |
| #63 | Petition                   | Amend zoning                                            | N/A        |
| #64 | Board of Library Trustees  | Establish a revolving account                           | 10,000.00  |
| #65 | Board of Library Trustees  | Meet state minimum standards for pub. Library serv.     | 67,000.00  |
| #66 | Petition                   | Accept & maintain as public way – Tiffany Lane          | N/A        |
| #67 | Fire Department            | Emergency Preparedness/Response Directorate/FEMA        | 6,781.00   |
| #68 | Planning Board             | Amend Zoning Bylaw /Associate Member Planning Board     | N/A        |
| #69 | Town Clerk                 | Complete phase of codification program                  | 3,322.00   |
| #70 | Town Clerk                 | Lease/purchase voting machines                          | 9,500.00   |
| #71 | Town Clerk                 | Update Town and Zoning maps                             | 5,000.00   |
| #72 | Petition                   | Rescind Article 60 5/6/06 & Article 8 10/10/07          | N/A        |
| #73 | Water Department           | Purchase/construction/renovations of office & garage    | 950,000.00 |
| #74 | Police Department          | Lease/purchase portable radios                          | 10,013.72  |
| #75 | Police Department          | Purchase/equip Animal Control vehicle                   | 18,896.00  |
| #76 | Police Department          | Purchase/equip two police cruisers                      | 64,000.00  |
| #77 | Fire Department            | Purchase 4-Wheel Drive Forest Fire Truck                | 40,000.00  |
| #78 | Fire Department            | Lease/purchase 4-Wheel Drive Forest Fire Truck          | 10,850.00  |
| #79 | Fire Department            | Sick-Time Buyback 2 retiring firefighters               | 60,085.60  |
| #80 | Board of Selectmen         | Accept provisions of Section 13 Chapter 258             | N/A        |
| #81 | Board of Selectmen         | Chapter 90                                              | 250,000.00 |
| #82 | Board of Selectmen         | Establish Energy Committee                              | N/A        |
| #83 | Board of Selectmen         | Fund studies/engineering/mitigation Studley Pond Dam    | 50,000.00  |
| #84 | Police Department          | Establish Revolving Fund-vehicle maintenance/purchases  | 50,000.00  |

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF ROCKLAND  
WARRANT  
SPECIAL TOWN MEETING**

To one of the constables in the Town of Rockland, County of Plymouth and the Commonwealth of Massachusetts

**Greetings:**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in town affairs to meet at the

**Marion Mansfield Donovan Auditorium  
Rockland High School  
52 MacKinlay Way**

in said Town on Monday, **May 5, 2008 at 7:00 P.M.**, then and there to act on the following articles:

**ARTICLE #1**

Will the Town vote to transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000.00) for various Legal Expenses incurred during the fiscal year 2008.

**EMERGENCY: The Board of Selectmen has had numerous legal costs due to various unforeseen matters requiring legal counsel.**

**BOARD OF SELECTMEN**

**Finance Committee Recommendations at Town Meeting**

**ARTICLE #2**

Will the Town vote to appropriate the sum of Fifty Thousand Dollars (\$50,000.00) to be used with a like amount from the Town of Abington

**EMERGENCY: For the installation of a chemical feed system at the Hannigan and Great Sandy Bottom Water Treatment Plants, and cost incidental and related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.**

**WATER DEPARTMENT**

**Finance Committee Recommendations at Town Meeting**

And you are directed to serve this Warrant by posting copies at least fourteen (14) days prior to said meeting in each of the six precincts in said Town.

Hereof, fail not, and make return of this Warrant, with your doings thereon, on the Town Clerk, at the time and place of holding said meeting.

Given under our hand this thirteenth day of March, in the year of Our Lord, Two Thousand Eight and of the Independence of the United States of America, the Two Hundred Thirty One.

**BOARD OF SELECTMEN**

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**Mary A. Parsons, Chairman**

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**Louis U. Valanzola, Vice-Chairman**

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**Lawrence J. Chaffee, Selectmen**

---

**James F. Simpson, Selectmen**

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**Michael E. Zupkofska, Selectmen**

**RETURN OF SERVICE**

This is to certify that I have this \_\_\_\_\_ day of April 2008, posted this warrant in each of the six precincts in the Town of Rockland.

ATTEST:

CONSTABLE

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF ROCKLAND  
WARRANT  
ANNUAL TOWN MEETING**

To one of the constables in the Town of Rockland, County of Plymouth and the Commonwealth of Massachusetts.

**Greetings:** In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in town affairs to meet at the

**Marion Mansfield Donovan Auditorium  
Rockland High School  
52 MacKinlay Way**

in said Town on Monday, **May 5, 2008 at 7:30 P.M.**, then and there to act on the following articles:

**ARTICLE #1**

To cast votes in the Annual Town Election for the election of candidates for the following offices;

Two Selectmen for three years  
One Assessor for three years  
One Board of Health Member for three years  
One Housing Authority Commissioner for four years  
One Housing Authority Commissioner for three years  
Two Library Trustees for three years  
One Park Commissioner for three years  
One Planning Board Member for three years  
One School Committee Member for three years  
One Water Commissioner for three years

And vote “yes” or “no” on the following:

QUESTION 1 – Shall the Town of Rockland be allowed to assess an additional \$294,840 in real estate and personal property taxes for the purposes of paying costs of architectural and engineering services associated with surveying the facility deficiencies at the Middle School, which work will likely consider such options as renovating and adding to the existing facility and the possibility of constructing a new facility in the vicinity of 100 Taunton Avenue in Rockland, for which work the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), which grant program is non-entitlement, discretionary program based on need as determined by the MSBA, for the fiscal year beginning July 1<sup>st</sup> 2008?

**BOARD OF SELECTMEN**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #2**

Will the Town vote to fix the salaries and compensation of all elective officers in the Town in the amounts indicated in the Department Budgets and make such salaries and compensation effective July 1, 2008, in accordance with the provisions of the Massachusetts General Laws, Chapter 41 Section 108, as amended, and to raise and appropriate such sums of money for the ensuing year and that all sums be appropriated for the specific purpose designated; and that the same be expended on for such boards and commissions of the Town as voted, or take any other action relative thereto?

### **BOARD OF SELECTMEN**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #3**

Will the Town vote to raise and appropriate and or take from available funds as indicated, such sums of money necessary for the ensuing year as detailed in the Department budgets, or take any other action relative thereto?

### **BOARD OF SELECTMEN**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #4**

To see if the Town will vote to amend the current zoning by laws of the Town of Rockland by adding the following to the Uses Requiring Special Permit by the Planning Board under the H-1 zone district:

- 15      Supermarkets and/or other general retail stores

### **PETITION**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #5**

To see if the Town will vote to amend the current zoning by laws of the Town of Rockland by adding the following Uses Requiring Special Permit under the H-1 Industrial Park Hotel district:

- 15      Liquor Stores

The purpose of said zoning change is to allow the establishment of a full package liquor license to be issued in the area of the Hotel District.

### **PETITION**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #6**

Will the Town vote to grant an increase allowance to all former employees retired under Chapter 32, Section 90C of the General Laws on account of superannuation who served the Town for a period of not less than twenty-five years, equal to one-half of the rate of regular compensation payable to employees of the Town holding similar positions as of this date, or take any other action relative thereto?

### **PETITION**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #7**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Fifty Thousand Dollars (\$50,000.00) for the purpose of replacing the chassis of the departments 1998 utility truck or take any other action relative thereto?

### **WATER DEPARTMENT**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #8**

Will the Town vote to appropriate the sum of Two Million Forty Five Thousand Dollars (\$2,045,000.00) to be used with a like amount from the Town of Abington for the construction of Residual Handling Facilities at the Hannigan, Great Sandy Bottom and Myers Avenue Water Treatment Plants and the cost incidental and related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #9**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$655,200 to be expended under the direction of the Rockland School Building Committee to pay costs of architectural and engineering services associated with surveying the facility deficiencies at the Middle School, which work will likely consider such options as renovating and adding to the existing facility and the possibility of constructing a new facility in the vicinity of 100 Taunton Avenue in Rockland, for which work the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Or to take any other action relative thereto.

### **SCHOOL DEPARTMENT**

#### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #10**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Ten Thousand Dollars (\$10,000.00) for the purpose of continuing the annual leak detection survey, or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #11**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) to be used with a like amount from the Town of Abington for the purpose of replacing the 1999 Lumina, or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #12**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) to be used with a like amount from the Town of Abington for the purpose of replacing one Raw Water Pump at the Great Sandy Bottom Water Treatment Plant, or take any action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #13**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Twenty Five Thousand Dollars (\$25,000.00) to be used with a like amount from the Town of Abington for the purpose of purchasing a parcel of land on Chestnut Street in the Town of Abington. The land will be utilized for the construction of a water storage tank, or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #14**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Valance the sum of Fifty Thousand Dollars (\$50,000.00) to be used with a like amount from the Town of Abington for the engineering of the sludge handing facility program to be funded by the Massachusetts Water Abatement Trust Fund, or take any action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #15**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Seventy Five Thousand Dollars (\$75,000.00) to be used with a like amount from the Town of Abington for the purpose of demolition of the original Great Sandy Bottom Water Treatment Plant on Phillips Road in the Town of Pembroke (the building has been deemed unsafe by a structural evaluation), or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #16**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of continuing the survey and testing in accordance with the Commonwealth of Massachusetts Drinking Water Regulations governing cross connections to our water system (310 CMR 22.22) or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #17**

Will the Town vote to raise and appropriate the sum of \$25,000 for environmental monitoring and maintenance of the Beech Street landfill in accordance with the Massachusetts Department of Environmental Protection Administrative Consent Order or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #18**

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the office of the Town Clerk titled "Town of Rockland Massachusetts Bylaws Draft" dated May 2007,

or what it will do in relation thereto.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #19**

To see if the Town will vote to adopt the following global changes to the General Bylaws, all as set forth in the document on file in the office of the Town Clerk titled "Town of Rockland Massachusetts Bylaws Draft" dated May 2007:

1. References to the Massachusetts General Laws are standardized to the following format: MGL c. \_\_\_, § \_\_\_.
2. The word "Town" is consistently capitalized when it refers to the Town of Rockland.
3. The terms "Annual Town Meeting" and "Special Town Meeting" are consistently capitalized.
4. References to "by-law," "By-Law" and "By-law" are amended to read "bylaw."
5. Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.

Or what it will do in relation thereto.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #20

To see if the Town will vote to adopt the following language as part of Chapter 1, General Provisions, of the General Bylaws:

### *Article II General Penalty*

*§ 1-9. Violations and penalties.*

*Whoever violates a provision of this Code and/or any bylaw of the Town shall, unless other provision is expressly made, be liable to a penalty not exceeding \$300 for each offense.*

Or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #21

To see if the Town will vote to adopt the following new language as Chapter 5, Administrator, Town, of the General Bylaws:

### *Chapter 5 ADMINISTRATOR, TOWN*

*§ 5-1. Appointment; powers and duties.*

*The Town Administrator shall be appointed and shall have the powers and duties prescribed by the following sections of the Charter of the Town of Rockland: §§ C-2.17, C-2.18 and C-2.19.*

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #22

To see if the Town will vote to amend Chapter 9, Aging, Council on, of the General Bylaws:

(1) In § 9-1 on, by revising the date of service to replace “the 31<sup>st</sup> day of March” with “the first day of May.”

(2) By adding new language as § 9-3, as follows:

*§ 9-3. Private nature of certain information.*

*The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, § 14 et seq., as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.*

Or what it will do in relation thereto:

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #23**

To see if the Town will vote to adopt the following correction to Chapter 13, Boards, Commissions and Committees, Article IV, Board of Sewer Commissioners: in § 13-8B, revise the phrase “shall also be know as” to read “shall also be known as” ....

Or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #24**

To see if the Town will vote to adopt the following revision to Chapter 13, Boards, Commissions and Committees, Article IX, Finance Committee: revise § 13-18E to match the amended Charter wording of § C-6.04E, as follows:

~~Eight members shall constitute a quorum of the Finance Committee. However, a lesser number may from time to time adjourn meetings of the Finance Committee.~~

*A majority of those members appointed shall constitute a quorum; however, a lesser number may from time to time adjourn meetings of the Finance Committee.*

Or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #25**

To see if the Town will vote to adopt the following revision to Chapter 38, Finance: revise § 38-2A to delete duplicative Charter wording, as follows:

~~On or before the 31<sup>st</sup> day of December of each year the Selectmen shall prepare a budget for the ensuing fiscal year and shall submit said budget to the Finance Committee. Said budget shall be inserted in the Warrant for the Annual Town Meeting. (Charter § C-6.02)~~

*Budget preparation and submission for review shall be as set forth in Town Charter § C-6.02.*

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #26

To see if the Town will vote to adopt the following revisions to Chapter 104, Officers and Employees:

- (1) In Article I, Town Officials, revise § 104-1D to match the corresponding amended Charter wording, as follows:

~~Elected and appointed town officials must be registered voters in the town of Rockland, except as may be otherwise provided by the Charter or the Town By laws. (Charter 2.01D)~~

*Elected and appointed Town officials must be registered voters in the Town of Rockland. The term "appointed Town officials" shall only apply to those persons appointed to serve on the various boards and commissions. All full-time administrative personnel shall not be Town officials for the purpose of this section. (Charter § C-2.01D)*

- (2) In Article I, Town Officials, revise § 104-1F to correct the statutory reference to the Open Meetings Law to read MGL c. 39, § 23B.
- (3) In Article IV, Town Collector, revise all references to "Tax Collector" to read "Town Collector" pursuant to the Charter as amended in 2005.

Or what it will do in relation thereto.

## TOWN CLERK

### Finance Committee Recommendation at Town Meeting

## ARTICLE #27

To see if the Town will vote to adopt the following revisions to Chapter 139, Selectmen:

- (1) Revise § 139-1E to match the corresponding amended Charter wording, as follows:

~~The Selectmen shall cause the Annual Town Report, which shall contain the reports provided for by Section 2.02A of Article II to be printed and distributed before the Annual Town Meeting. They shall cause a copy of said report to be left at each occupied dwelling house, tenement, hotel, or other residential unit in the Town at least seven days before the date of holding such meeting. (Charter § C 2.02D)~~

*The Selectmen shall cause the Annual Town Report to be printed on or before May 1 of the following fiscal year, and shall cause a copy of the report to be distributed at the following locations: main entrance to the Town Hall, Rockland Public Library and the Rockland Senior Center. (Charter § C-2.02D)*

- (2) Revise § 139-1F to delete wording duplicative of the Charter, and replace it with a reference to the Charter, as follows:

~~On or before the 31<sup>st</sup> day of December of each year the Selectmen shall prepare a budget for the ensuing fiscal year and shall submit said budget to the Finance Committee. Said budget shall be inserted in the Warrant for the Annual Town Meeting. (Charter § C 6.02)~~

*Budget preparation and submission for review shall be as set forth in Town Charter § C-6.02.*

or what it will do in relation thereto.

## TOWN CLERK

### Finance Committee Recommendation at Town Meeting

#### ARTICLE #28

To see if the Town will vote to adopt the following revisions to Chapter 148, Town Meetings:

- (1) Revise the second sentence of § 148-1B to match the corresponding amended Charter wording, as follows:

~~Seven (7) days~~ Fourteen (14) days’ notice shall be given prior to the actual meeting date by distribution of the Warrant for said Town Meeting by the Selectmen in accordance with the provisions of ~~this Charter. (Charter 3.02, 2.02E)~~ Town Charter § C-2.02E.

- (2) Revise § 148-1E to match the corresponding amended Charter wording, as follows:

~~Except as otherwise required by law, notice of every Town meeting shall be given by posting at least seven days before the day appointed for the meeting an attested copy of the warrant therefor in the Town Office Building and the Post Office. Further, a Notice of Availability of said warrant shall be published in a newspaper of general local circulation at least seven days before the day appointed for the meeting. Compliance with this section as to any meeting shall constitute valid notice therefor (Charter § C-2.02E)~~

*Except as otherwise required by law, notice of every Town Meeting shall be given as set forth in Town Charter § C-2.02D and E. Compliance with this section as to any meeting shall constitute valid notice therefor.*

- (3) In § 148-3J, correct the word “affect” to read “effect.”
- (4) Revise § 148-4 is in its entirety to bring it into compliance with amended Charter wording, to read as follows

**§ 148-4. Special Town Meeting.** *[Amended pending adoption at Town Meeting]*

- A. *The Selectmen shall have the power to order Special Town Meetings as they consider necessary, and shall prepare the Warrants for the Meetings; but, to order a Special Town Meeting the Selectmen shall first adopt, by a majority vote of their Board, a resolution stating clearly the emergency nature of the situation prompting their order. (Charter § C-2.02E)*
- B. *No warrant for a special Town Meeting shall close until at least seven days have passed from the date of adoption of their resolution, and each article inserted in the Warrant shall have attached to it a brief statement explaining the emergency nature of the article. (Charter § C-2.02E)*
- C. *The Selectmen shall cause copies of the warrant for each Special Town Meeting to be distributed at the following locations: main entrance to the Town Hall, Rockland Public Library and the Rockland Senior Center at least 14 days before the Town Meeting. The Warrant for each Special Town Meeting shall also be announced in a newspaper of general circulation within the Town at least 14 days before the Town Meeting. The notice shall include locations where the Warrant can be obtained. (Charter § C-2.02E)*

- D. Upon a majority vote of the Board, the Selectmen shall have the power to open any Warrant after it has closed for the purpose of inserting articles, if the articles are of an emergency nature and have attached to them a brief statement explaining the emergency. (Charter § C-2.02E)*

or what it will do in relation thereto.

## **TOWN CLERK**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #29**

To see if the Town will vote to revise the maximum penalty fine applying to former Article XXIV, Public Ways, Common Lands, of the 1993 Bylaws (Sec. 24.08) from \$200 to \$300 as permitted by MGL c. 40, § 21. Said revision shall affect the following sections of the codified bylaws:

- § 165-3 (Chapter 165, Alarm Systems)
- § 171-2 (Chapter 171, Alcoholic Beverages, Article I, Public Consumption and Open Containers)
- § 314-5 (Chapter 314, Peace and Good Order)

or what it will do in relation thereto.

## **TOWN CLERK**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #30**

To see if the Town will vote to adopt the following revision to Chapter 165, Alarms Systems: in § 165-1B, revise the phrase “this ordinance” to read “this bylaw.”

or what it will do in relation thereto.

## **TOWN CLERK**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #31**

To see if the Town will vote to adopt the following revisions to Chapter 171, Alcoholic Beverages:

- (1) In Article I, Public Consumption and Open Containers, in § 171-1 revise “this ordinance” to read “this bylaw” (§ 171-2 penalty revision is provided for in separate Article).
- (2) In Article II, Tag-a-Keg, revise the fines in § 171-5 from “\$100 for the first offense and \$200 for any subsequent offense” to “\$200 for the first offense and \$300 for any subsequent offense.”

or what it will do in relation thereto.

## **TOWN CLERK**

### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #32

To see if the Town will vote to adopt the following revisions to Chapter 177, Animals, Article I, Restraining of Dogs:

(1) Revise § 177-2 as follows:

~~a fine of \$15 for the first offense and \$25 for the second and each subsequent offense~~

*a fine of \$25 for the first offense, \$30 for the second offense, \$35 for the third offense and \$50 for the fourth and subsequent offenses.*

(2) Amend the second sentence of § 177-3 as follows:

Dogs impounded and unclaimed by the owner or keeper after ~~12~~ 10 days ~~shall~~ may be disposed of by the Dog Control Officer in accordance with MGL c. 140, § 151A.

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #33

To see if the Town will vote to adopt the following revisions to Chapter 226, Gasoline Systems, Self-Service: in § 226-4 revise “fine of not more than \$20” to read “a fine of \$100” and to add the following sentence to the end thereof: “*Each day of violation shall constitute a separate offense.*”

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #34

To see if the Town will vote to adopt the following revisions to Chapter 250, Junk Dealers: in § 250-2 revise “fine of not more than \$20” to read “a fine of \$100.”

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

## ARTICLE #35

To see if the Town will vote to adopt the following revisions to Chapter 273, Licenses and Permits, Article I, Delinquent Taxpayers:

(1) Revise references to “Tax Collector” throughout this bylaw to read “Town Collector” per the 2005 amendment to Charter Section 2.05.

(2) Revise § 273-1B to add the underlined wording per statute:

*The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however....*

(3) In § 273-2A, correct the statutory reference to MGL c. 268, § 1, to read MGL c. 268A, § 1.

(4) In § 273-2B, correct the statutory reference to “Section 33 of Chapter 149” to read “MGL c. 101, § 33.”

or what it will do in relation thereto.

### TOWN CLERK

#### Finance Committee Recommendation at Town Meeting

## ARTICLE #36

To see if the Town will vote to adopt the following revisions to Chapter 319, Peddling and Soliciting:

(1) Article I, Hawkers, Peddlers and Transient Merchants, in § 319-13 revise “fine not exceeding \$20” to read “fine not exceeding \$50.”

(2) Article II, Canvassing and Soliciting, in § 319-22A revise “fine of \$100” to read “fine of \$200.”

or what it will do in relation thereto.

### TOWN CLERK

#### Finance Committee Recommendation at Town Meeting

## **ARTICLE #37**

To see if the Town will vote to adopt the following revisions to Chapter 342, Streets and Sidewalks:

(1) In § 342-17 add the sentence “*Each violation of this section shall be punishable by the fine set forth in MGL c. 85, § 5.*”

(2) In § 342-23 revise the maximum fine of \$20 to read \$100.

or what it will do in relation thereto.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #38**

To see if the Town will vote to adopt the following revisions to Chapter 366, Vehicles, Abandoned: in § 366-3 revise the maximum fine of \$20 to read \$100.

or what it will do in relation thereto.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #39**

To see if the Town will vote to adopt the following revisions to Chapter 378, Water:

(1) Add § 378-2 to read as follows:

**§ 378-2. Fee.**

*The fee for such permit shall be \$300.*

(2) In § 378-3, revise the maximum fine of \$20 to read \$300.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #40**

To see if the Town will vote to renumber and recaption the Zoning Bylaws of the Town by (a) designating the Zoning Bylaws as Chapters 397, 407 and 415 of the new Town Code; (b) renumbering each section of the bylaws accordingly; (c) inserting article and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the office of the Town Clerk titled “Town of Rockland Massachusetts Bylaws Draft” dated May 2007,

or what it will do in relation thereto.

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #41

To see if the Town will vote to adopt the following global changes to the Zoning Bylaws, all as set forth in the document on file in the office of the Town Clerk titled “Town of Rockland Massachusetts Bylaws Draft” dated May 2007:

1. References to the Massachusetts General Laws are standardized to the following format: MGL c. \_\_\_, § \_\_\_.
2. The word “Town” is consistently capitalized when it refers to the Town of Rockland.
3. The terms “Annual Town Meeting” and “Special Town Meeting” are consistently capitalized.
4. References to “by-law,” “By-Law” and “By-law” are amended to read “bylaw.”
5. Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.

or what it will do in relation thereto.

### TOWN CLERK

#### Finance Committee Recommendation at Town Meeting

## ARTICLE #42

To see if the Town will vote to adopt the following changes to Chapter 415, Zoning:

- (1) In § 415-2, by revising the wording of the definition of “Board of Appeals” as follows:

BOARD OF APPEALS --

~~A board of five members and three Associate members appointed as provided in MGL c. 40A, § 12, which shall act on all matters within its jurisdiction under the bylaw.~~

*As defined and regulated in § 415-91 of this bylaw.*

- (2) In § 415-2, by adding a definition of “home occupation” as follows:
- (3) *HOME OCCUPATION* -- *As defined and regulated in § 415-37 of this*—adding an entry as Subsection M for “*Wireless Communication Services District*” in § 415-3.
- (4) By correcting the term “~~principle~~ permitted uses” to read “*principal* permitted uses” in § 415-12A(5).
- (5) In § 415-20D(9), the word “not” is added, as follows:

A monopole shall *not* be erected nearer to a residential lot line than 500 feet, except upon a specific finding that such shorter distance does not derogate from the intent of this bylaw.

- (6) By adding wording to § 415-23, as follows:

*Supplementary lot regulations are set forth in §§ 415-24 through 415-34.*

- (7) By adding a row for the H-1 District to the tables of minimum lot width and frontage in §§ 415-27A and 415-28A, as follows:

*H-1                      110*

(8) By revising the first phrase in § 415-53B as indicated:

Parking ~~space requirements~~ *spaces* as set forth in the Zoning Bylaws ~~to are to be~~  
ten-foot width ....

or what it will do in relation thereto.

**TOWN CLERK**

**Finance Committee Recommendation at Town Meeting**

**ARTICLE #43**

Will the Town vote to raise and appropriate or take from available funds the sum of Thirty Eight Thousand Twenty Dollars (\$38,020.00) to purchase a one ton dump truck or take any other action relative thereto?

**PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

**ARTICLE #44**

Will the Town vote to raise and appropriate or take from available funds the sum of Thirteen Thousand Nine Hundred Four Dollars (\$13,904.00) to replace the fencing around the Veterans' Memorial Stadium or take any other action relative thereto?

**PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

**ARTICLE #45**

Will the Town vote to raise and appropriate or take from available funds the sum of Twelve Thousand Four Hundred Eighty Dollars (\$12,480.00) to purchase a topdresser for our fields or take any other action relative thereto?

**PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

**ARTICLE #46**

Will the Town vote to take from available funds the sum of Forty Two Thousand Four Hundred Seventeen Dollars (\$42,417.00) for the purpose of purchasing a F350 truck with plow and sander for a replacement of a 1982 truck or take any other action relative thereto? Money to be taken from the Road Machinery Account.

**HIGHWAY DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

**ARTICLE #47**

To transfer from available funds or raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) for the actuarial study in accordance with the requirements set forth in the Governmental Accounting Standards Board statement 45 on Other Post Employment Benefits.

**TOWN ACCOUNTANT**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #48**

Will the Town vote to appropriate from the State Sewer Relief Funds the sum of Thirty Thousand Dollars (\$30,000.00) to be expended by the Sewer Commission as part of the Town's ongoing program to identify and remove sources of Inflow and Infiltration as required under the terms of the NPDES Permit issued to the Town by the United States EPA and Massachusetts DEP or take any action relative thereto?

### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #49**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Development Account the sum of Three Hundred Thousand Dollars (\$300,000.00) to be expended by the Sewer Commission as part of the Town's ongoing program to identify and remove sources of Inflow and Infiltration as required under the terms of the NPDES Permit issued to the Town by the United States EPA and Massachusetts DEP or take any other action relative thereto?

### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #50**

Will the Town vote to raise and appropriate or take from available funds the sum of Seventy-Five Thousand Dollars (\$75,000.00) for drain work on Mark's Street or take any other action relative thereto?

### **HIGHWAY DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #51**

Will the Town vote to raise and appropriate or take from available funds the sum of Two Hundred Thousand Dollars (\$200,000.00) for drain work on Howard Street or take any other action relative thereto?

### **HIGHWAY DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #52**

To see if the Town will vote to increase the hours of the part-time landfill attendant. Said increase to be no less than twenty-five hours per week and no more than thirty-five hours per week.

### **BOARD OF HEALTH**

#### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #53

To see if the Town will vote to authorize the Board of Selectmen to sign a five year extension of the Intermunicipal Agreement relative to the South Shore Recycling Cooperative effective July 1, 2008 or take any other action relative thereto?

## BOARD OF HEALTH

### Finance Committee Recommendation at Town Meeting

## ARTICLE #54

To see if the Town will vote to authorize the Selectmen to sell at a private sale that parcel of land on the easterly side of Abington Street; formerly a portion of Weymouth Street, which was created by the relocation of Weymouth Street by the Commonwealth of Massachusetts, Decree #4868, and being that parcel of land lying between the relocation layout of Abington Street and Parcel 1 Map 3 on the Rockland Assessor Maps, all in accordance with M.G.L. Ch 30B?

## PETITION

### Finance Committee Recommendation at Town Meeting

## ARTICLE #55

To see if the Town will vote to amend the following section of the Zoning Bylaw:

Section V, "Building, Lot and General District Regulations," Section C:  
"Off-Street Parking Requirements":

In Section V-C-1, "Residential Uses," change Section V-C-1-a to read as follows:

**"a. Dwellings (general) – at least 2.0 spaces for each Single-Family Residence, and at least 3.0 spaces for each dwelling unit in a Two-Family Residence or Multi-Family Residence."**

Or take any other action relative thereto?

## ZONING BOARD OF APPEALS

### Finance Committee Recommendation at Town Meeting

## ARTICLE #56

To see if the Town will vote to amend the following sections of the Zoning Bylaw:

- (a) Section IV, "Permitted Uses", "I-1 Limited Industrial Zoning District":  
Under "Uses Requiring Special Permit," Paragraph No. 12, delete  
**"Conversion and/or renovation pursuant to this section shall only be allowed by special permit from the Planning Board."**

(b) Section VII, “Enforcement”, Section B: Special Permits”:

In Section VII-B-6-(c), (d), (f), and (i), change **“Planning Board”** to **“Zoning Board of Appeals”**.

Or take any other action relative thereto?

## **ZONING BOARD OF APPEALS**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #57**

To see whether the Town will amend the General Bylaws to add the following Bylaw, entitled “Sex Offender Residency Bylaw”:

#### **Section 1. Definitions**

1. “Town Library” means the structure in which the Rockland Memorial Library is located.
2. “Park” means public land designated for active or passive recreational or athletic use by the Town of Rockland, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Rockland.
3. “School” means any public or private education facility that provides services to children in grades kindergarten – 12.
4. “Day care center” means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
5. “Elderly housing facility” means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
6. “Place of worship” means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
7. “Sex offender,” as defined in G.L. c. 6, §178C, means a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.
8. “Sex offender registry” means the collected information and data that is received by the criminal history systems board pursuant to G.L. c. 6, §§ 178C to 178P, inclusive, as such information and data is modified or amended by

the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.

9. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
10. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

## **Section 2.     Sexual Offender Residence Prohibition; Penalties; Exceptions**

1. It is unlawful for any sex offender who is finally classified as a level 2 or level 3 sex offender, pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship within the Town of Rockland.
2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of the Town Library or any school, day care center, park, elderly housing facility or place of worship.
3. Notice to move. Any registered level 2 or 3 sex offender who establishes a permanent residence within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Rockland to another that is within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship.
4. Penalties. Violations of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Rockland including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows;
  - a. First Offense: Notification to sex offender that he/she has thirty (30) days to move.

- b. Subsequent Offense: Non-criminal fine of \$300.00 and notification to the sex offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal bylaw. For such a subsequent offense, the sex offender is subject to immediate arrest.
5. Exceptions. A person residing within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:
- a. The person established the permanent residence and reported and registered the resident pursuant to G.L. c. 6, §§178C to 178P, inclusive, prior to the date of the Town Meeting at which this bylaw was approved.
  - b. The person was a minor when he/she committed the offense and was not convicted as an adult.
  - c. The person is a minor.
  - d. The Town Library or school, day care center, park elderly housing facility or place of worship within one thousand (1,000) feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to G.L. c. 6, §§178C to 178P, inclusive.
  - d. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
  - g. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.

Or, take any other action relative thereto?

## **ZONING BOARD OF APPEALS**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #58**

Will the Town vote to transfer Thirty-Five Thousand Dollars (\$35,000.00) from the Overlay Surplus to the Revaluation Account for the purposes of completing the F.Y. 2009 revaluation as mandated by the State Department of Revenue?

## **BOARD OF ASSESSORS**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #59**

Will the Town vote to raise and appropriate or take from available funds the sum of Thirty-Three Thousand Seven Hundred Twelve Dollars (\$33,712.00) for the purpose of purchasing computer hardware and software necessary for the Fire Department Ambulance Billing System.

### **FIRE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #60**

Will the Town vote to raise and appropriate the sum of Fourteen Thousand Seven Hundred Dollars (\$14,700.00) for the first year of a three year lease/purchase and further authorize the Board of Selectmen to sign a lease/purchase agreement for three years to purchase computer hardware and software necessary for the Fire Department Ambulance Billing System.

### **FIRE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #61**

Will the Town vote to raise and appropriate or take from available funds the sum of Forty Thousand Dollars (\$40,000.00) for building maintenance at the McKinley Community Center Building? To help with the rising cost to maintain the building, at this time the building does not receive any money from the Town.

### **MCKINLEY COMMUNITY CENTER BUILDING COMMITTEE**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #62**

Will the Town vote to authorize departments to continue revolving accounts in accordance with the provisions of M.G.L. Chapter 44, Section 53 E ½, not to exceed the revenues in Fiscal 2009 for the purposed requested under the jurisdiction of the board as listed below or take any other action related thereto?

| <u>Department</u>  | <u>Receipt Type</u>  | <u>Maximum Receipts Authorized</u> |
|--------------------|----------------------|------------------------------------|
| Community Center   | Building Usage Fees  | \$175,000.00                       |
| School Committee   | Transportation Fees  | 100,000.00                         |
| Board of Health    | Recycling Fees       | 75,000.00                          |
| Youth Commission   | Program Fees         | 160,000.00                         |
| Fire Department    | Permit Fees          | 50,000.00                          |
| Police Department  | Red Light Violations | 75,000.00                          |
| Rent Control Board | Rent Control Fees    | 15,000.00                          |
| Town Clerk         | Passport Photo Fees  | 5,000.00                           |

### **TOWN ACCOUNTANT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #63**

To see if the Town will vote to amend the current zoning district of the Town of Rockland by removing references to the R-2 zone as shown on the current Town Zoning Map for the parcel shown as Lot 48 on the Town Assessor's Map 8 + 9 and replacing the same with the reference of I-2 or take any other action relative thereto?

### **PETITION**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #64**

Will the Town vote to establish a Revolving Account in accordance with the provisions of MGL Ch. 44 s.53E ½ not to exceed Ten Thousand Dollars (\$10,000.00) in FY 2009 for fines and fees collected at the Library Department and authorize the Library Trustees to expend from this account for the purchase of books and related materials, or take any action relative thereto?

### **BOARD OF LIBRARY TRUSTEES**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #65**

Will the Town raise and appropriate, or take from available funds, the sum of Sixty Seven Thousand Dollars (\$67,000.00) in order to meet the state minimum standards for public library services and remain certified to receive State Aid to Libraries funds for FY 2009, or take any action relative thereto?

### **BOARD OF LIBRARY TRUSTEES**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #66**

To see if the Town of Rockland will vote to accept and maintain as a public way the layout of Tiffany Lane as shown on a plan entitled, Plan of Land, Tiffany Lane, Rockland, Mass. – Owner: 77 Salem Street, LLC” dated July 6, 2005, by C.F. Arnold Associates, Inc. Registered Land Surveyors and Civil Engineers, 404 Libbey Parkway, Weymouth Mass., recorded as plan No. 1134 of 2005 in plan Book 50 Page 1107; or take any other action relative thereto.

### **PETITION**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #67**

Will the Town Vote to raise and appropriate or take from available funds the sum of (4,781.00) Six Thousand Seven Hundred Eighty-One dollars for the Town's 5% matching share of a \$135,620.00 Emergency Preparedness and Response Directorate/FEMA, Department of Homeland Security for the purpose of purchasing equipment, or take any action relative thereto?

### **FIRE DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #68**

To see if the Town will vote to amend the Zoning Bylaws, Section VII-B, "Enforcement-Special Permits," to add a new Section VII-B-2-d, as follows:

- e. **There shall be one associate member of the Planning Board, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with G.L. c. 40A, §9. The chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board. The associate member shall be appointed for a two-year term by the Board of Selectmen, in accordance with Section 2.02(K) of the Town Charter and Section 3.02(E) of the Town Bylaws.**

Or take any other action relative thereto?

### **PLANNING BOARD**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #69**

Will the Town vote to raise and appropriate or take from available funds the sum of Three Thousand Three Hundred Twenty Two Dollars (\$3,322.00) to complete this phase of the codification program or take any other action relative thereto?

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #70**

Will the Town vote to raise and appropriate or take from available funds the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) for the third year of a five year lease/purchase agreement for six voting machines or take any other action relative thereto?

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #71**

Will the Town vote to raise and appropriate or take from available funds the sum of Five Thousand Dollars (\$5,000.00) to update our Town and zoning maps from 1975 to date or take any other action relative thereto?

### **TOWN CLERK**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #72**

“ Will the town vote to rescind Article 60 of the May 8, 2006 Annual Town Meeting, entitled “Mobile Home Park Rent and Eviction Control” and will the Town vote to rescind Article 8 of the December 10, 2007, Special town meeting, to establish a so called Revolving Account for the Rent Control Board”

### **PETITION**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #73**

Will the Town vote to raise and appropriate the sum of Nine Hundred and Fifty Thousand Dollars (\$950,000.00) with a like amount from the Town of Abington; and that to raise such appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow Nine Hundred Fifty Thousand Dollars (\$950,000.00) under Chapter 44, Section 8 (5) of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action relative therefore? Bond to be repaid from water receipts.

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #74**

Will the Town vote to Raise and Appropriate or take from available funds, the sum of (\$10,013.72) Ten Thousand Thirteen Dollars and Seventy Two cents to pay the second payment of a three year lease to purchase new portable radios for the Police Department or take any other action relative thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #75**

Will the Town vote to take from available funds, in the “Dog Fees Fund” the sum of (\$18,896.00) Eighteen Thousand Eight Hundred Ninety Six Dollars, to purchase and equip one new pick-up truck to replace the existing 1994 Animal Control vehicle, or take any other action relative thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #76**

Will the Town vote to raise and appropriate or take from available funds, the sum of (\$64,000.00) Sixty Four Thousand Dollars to purchase and equip (2) Two Police Cruisers, or take any other action relative thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #77**

Will the Town vote to raise and appropriate or take from available funds the sum of Forty Thousand Dollars (\$40,000.00) for a new 4-wheel drive Forest Fire Truck to replace a 1986 Ford that is constantly being repaired, or take any other action relative thereto?

### **FIRE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #78**

Will the Town vote to raise and appropriate the sum of Ten Thousand Eight Hundred Fifty Dollars (\$10,850.00) for the first year of a four year lease/purchase and further authorize the Board of Selectmen to sign a lease/purchase agreement for four years to purchase a new 4-wheel drive Forest Fire Truck to replace a 1986 Ford that is constantly being repaired, or take any other action relative thereto?

### **FIRE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #79**

Will the Town vote to raise and appropriate or take from available funds the sum of Sixty Thousand Eighty Five Dollars and Sixty cents (\$60,085.60) to pay the sick-time-buy-back for two retiring firefighters in accordance with the Collective Bargaining agreement between the Town of Rockland and the IAFF Local 1602, or take any other action relative thereto?

### **FIRE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #80**

Shall the town vote to accept the provisions of section thirteen of chapter two hundred and fifty-eight of the General Laws which provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expenses including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #81**

Will the Town vote to accept \$ distributed in accordance with the apportionment of FY08 Chapter 90, Local Transportation Aid, the annual State Highway Funds commonly known as Chapter 90 or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #82**

Will the Town vote to establish the Rockland Energy Committee as a permanent Town Committee of seven members appointed by the Board of Selectmen with terms to be appointed in staggered lengths of two people for one year, three people for two years, two people for three years, or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #83**

Will the Town vote to raise and appropriate or transfer from available funds the sum of \$50,000.00 to fund studies, engineering and mitigation for the Studley's Pond Dam, as mandated by the Massachusetts Department of Environmental Management or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #84**

Will the Town vote to establish a revolving account in accordance with the provision of M.G.L. Ch. 44 Section 53E ½, not to exceed Fifty Thousand Dollars (\$50,000.00) to be expended by the Police Department for vehicle maintenance and purchases, to be credited with fees collected by the use of Police Cruisers on private paid details, or take any other action relative thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendations at Town Meeting**

And you are directed to serve this Warrant by posting copies at least seven (7) days prior to said meeting in each of the six precincts in said Town.

Hereof, fail not, and make return of this Warrant, with your doings thereon, on the Town Clerk, at the time and place of holding said meeting.

Given under our hand this thirteenth day of March, in the year of Our Lord, Two Thousand Eight and of the Independence of the United States of America, the Two Hundred Thirty One.

**BOARD OF SELECTMEN**

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**Mary A. Parsons, Chairman**

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**Louis U. Valanzola, Vice-Chairman**

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**Lawrence J. Chaffee, Selectmen**

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**James F. Simpson, Selectmen**

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**Michael E. Zupkofska, Selectmen**

**RETURN OF SERVICE**

This is to certify that I have this \_\_\_\_\_ day of April 2008, posted this warrant in each of the six precincts in the Town of Rockland.

ATTEST:

CONSTABLE